

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

Use of Force Policy and Training



JIM McDONNELL, SHERIFF



LOS ANGELES COUNTY SHERIFF'S DEPARTMENT FORCE POLICY

3-10/010.00 USE OF FORCE DEFINED

Force is defined as any physical effort used to control or restrain another, or to overcome the resistance of another.



LOS ANGELES COUNTY SHERIFF'S DEPARTMENT FORCE POLICY

3-10/020.00 AUTHORIZED USE OF FORCE

Department members are authorized to use only that amount of force that is objectively reasonable to perform their duties. **"Objectively reasonable"** means that Department members shall evaluate each situation requiring the use of force in light of the known circumstances, including, but not limited to, **the severity of the crime at issue**, whether **the suspect poses an immediate threat to the safety of the member or others**, and whether **the suspect is actively resisting**, in determining the necessity for force and the appropriate level of force. Department members maintain the right to self-defense and have a duty to protect the lives of others.



LOS ANGELES COUNTY SHERIFF'S DEPARTMENT FORCE POLICY

3-10/030.00 UNREASONABLE FORCE

Department members shall use only that force which is objectively reasonable. Unreasonable force is that force that is **unnecessary or excessive given the totality of the circumstances** presented to Department members involved in using force. Unreasonable force is prohibited. The use of unreasonable force will subject Department members to discipline and/or prosecution.



LOS ANGELES COUNTY SHERIFF'S DEPARTMENT FORCE POLICY

3-10/030.00 UNREASONABLE FORCE

The following uses of force are prohibited unless circumstances justify the use of deadly force:

- head strike(s) with an impact weapon;
- deliberately or recklessly striking an individual's head against a hard, fixed object (e.g., roadway, driveway, concrete floor, wall, jail bars, etc.);
- from a standing position kicking an individual in the head with a shod foot while the individual is lying on the ground/floor; and/or,
- kneeling an individual in the head, deliberately or recklessly causing their head to strike the ground, floor, or other hard, fixed object.



LOS ANGELES COUNTY SHERIFF'S DEPARTMENT FORCE POLICY

3-10/005.00 FORCE PREVENTION PRINCIPLES

- Department members shall only use that level of force which is objectively reasonable, and force should be used as a last resort. Department members should endeavor to **de-escalate confrontations** through tactical communication, warnings, and other common sense methods preventing the need to use force whenever reasonably possible.
- When force must be used, Deputies and staff shall endeavor to use restraint techniques when possible, and use only that level of force necessary for the situation.



LOS ANGELES COUNTY SHERIFF'S DEPARTMENT FORCE POLICY

Los Angeles County Sheriff's Department Force Policy is based on:

- **State Law** (Penal Code) – 835 (A)
- **Federal Law** (Constitution) – 4th Amendment
- **Case Law** – Graham vs Connor



LOS ANGELES COUNTY SHERIFF'S DEPARTMENT FORCE POLICY

835(A) P.C. – Any peace officer who has reasonable cause to believe the person to be arrested has committed a public offense may use reasonable force to:

- **Effect the arrest**
- **Prevent escape**
- **Overcome resistance**



LOS ANGELES COUNTY SHERIFF'S DEPARTMENT FORCE POLICY

U.S. CONSTITUTION – FOURTH AMENDMENT

Recognizes the right to remain free from unreasonable search and seizure. Established the ***"objectively reasonable"*** standard of care.



LOS ANGELES COUNTY SHERIFF'S DEPARTMENT FORCE POLICY

GRAHAM V. CONNOR (1989) SCOTUS DECISION

Components to determine reasonableness:

- From the perspective of a reasonable officer
- Examined through the eyes of an officer on scene when the force was applied, without the hindsight of 20/20 vision
- Based on the circumstances confronting the officer without regard for the officer's intent
- Based on the knowledge the officer acted properly under the law



LOS ANGELES COUNTY SHERIFF'S DEPARTMENT FORCE POLICY

GRAHAM V. CONNOR (1989) SCOTUS DECISION (continued)

- “Not every push or shove, even if it may later seem unnecessary in the peace of a judge’s chambers, violates the Fourth Amendment.”
- The calculus of reasonableness must embody allowance for the fact that officer’s are often forced to make split second judgements- in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force necessary in a particular situation



LOS ANGELES COUNTY SHERIFF'S DEPARTMENT TRAINING COMPONENTS

REGULAR BASIC COURSE (ACADEMY)

- 880 Hours
- 186 hours of force training
- Includes:
 - Classroom lecture (POST Learning Domain 20 – Use of Force)
 - Policy, State Law, Federal Law
 - Firearms Training
 - Mat Room (POST Learning Domain 33 – Arrest and Control)
 - Searching & handcuffing
 - Personal weapons, control holds, impact weapons



LOS ANGELES COUNTY SHERIFF'S DEPARTMENT TRAINING COMPONENTS

JAIL OPERATIONS TRAINING

- 240 hours
- 104 hours of force related topics
 - Includes Classroom and Mat Room



LOS ANGELES COUNTY SHERIFF'S DEPARTMENT TRAINING COMPONENTS

CONTINUED PROFESSIONAL TRAINING (CPT)

- 24 hours required every 2 years for every peace officers
 - Perishable Skills Requirement (PSP) for patrol- Of the 24 hours, 14 hours must be: Arrest and Control, Driver Training, Tactical Firearms and Communications. The Sheriff's Department provides 24 hours of PSP.



LOS ANGELES COUNTY SHERIFF'S DEPARTMENT TRAINING COMPONENTS

MENTAL HEALTH TRAINING

- 15 hours in the Regular Basic Course
- 32 hour De-Escalation and Verbal Resolution Training (DeVRT) for the custodial setting
- 8 hour Mental Health Awareness Training (MHAT)
- 8 hour Mental Health Update for Field Training Officers
- 32 hour "LASD-CIT " Crisis Intervention Training Program for first responders



LOS ANGELES COUNTY SHERIFF'S DEPARTMENT DEADLY FORCE POLICY

3-10/200.00 USE OF FIREARMS AND DEADLY FORCE

The Department's policy on use of firearms and deadly force is:

- Discharging a firearm at another human being is an application of deadly force and must, therefore, be objectively reasonable. Each Department member discharging a firearm must establish independent reasoning for using deadly force. The fact that other law enforcement personnel discharge firearms is not by itself sufficient to justify the decision by a Department member to shoot;
- Department members may use deadly force in self-defense or in the defense of others, only when they reasonably believe that death or serious physical injury is about to be inflicted upon themselves or others;



LOS ANGELES COUNTY SHERIFF'S DEPARTMENT DEADLY FORCE POLICY

3-10/200.00 USE OF FIREARMS AND DEADLY FORCE (continued)

- Department members may use deadly force to effect the arrest or prevent the escape of a fleeing felon only when they have probable cause to believe that the suspect represents a significant threat of death or serious physical injury to the member or other person(s). If feasible, members shall identify themselves and state their intention to shoot before firing at a fleeing felon;



LOS ANGELES COUNTY SHERIFF'S DEPARTMENT DEADLY FORCE POLICY

3-10/220.00 USE OF FIREARMS AGAINST VEHICLES AND/OR OCCUPANTS OF VEHICLES

- Firearms shall not be discharged at a stationary or moving vehicle, the occupants of a vehicle, or the tires of a vehicle unless a person in the vehicle is imminently threatening the Department member or another person present with deadly force by means other than the moving vehicle. The moving vehicle itself shall not presumptively constitute a threat that justifies the use of deadly force.
- Department members shall not move into, remain, or otherwise position themselves in the path of a vehicle in an effort to detain or apprehend the occupants. A Department member in the path of a moving vehicle shall immediately attempt to move to a position of safety rather than discharging a firearm at the vehicle or any of the occupants.

This policy may not cover every situation that will arise. Any deviation from the provisions of this policy shall be reviewed on a case-by-case basis.



LOS ANGELES COUNTY SHERIFF'S DEPARTMENT CUSTODY ADDENDUMS

7-01/010.00 FORCE PREVENTION PRINCIPLES

- Except in the most compelling of circumstances, personnel involved in a use of force or an interaction with a [recalcitrant inmate](#), including participants, witnesses, and supervisors directing the force, shall not escort the inmate to the clinic, housing, a holding cell, etc., unless there are no other personnel reasonably available to escort the inmate.
- When Department members witness force that they know is excessive, the member shall attempt, when feasible, and when it does not jeopardize the safety of the inmate or staff, to [intervene in an effort to de-escalate](#), reduce, control or stop the force being used. Unreasonable force is prohibited.



LOS ANGELES COUNTY SHERIFF'S DEPARTMENT CUSTODY ADDENDUMS

7-01/010.00 FORCE PREVENTION PRINCIPLES (continued)

- Personnel have a duty to [protect inmates](#) and take the appropriate steps to [intervene in inmate on inmate violence](#) when it is reasonably safe to do so.
- A [prevented use of force](#) occurs any time personnel are able to employ effective de-escalation techniques in order to gain compliance from uncooperative or combative inmates. If custody personnel have successfully de-escalated an incident they shall notify a supervisor (supervising line deputy or above).



LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

QUESTIONS?

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

Use of Force Investigations



JIM McDONNELL, SHERIFF

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT FORCE INVESTIGATIONS

3-10/100.00 FORCE CATEGORIES

Category One: Force involves any of the following where there is no injury:

- Searching and handcuffing techniques resisted by a suspect;
- Hobbling resisted by a suspect;
- Control holds or come-alongs resisted by a suspect;
- Take downs; and/or
- Use of Oleoresin Capsicum spray, Freeze +P or Deep Freeze aerosols, or Oleoresin Capsicum powder from a Pepperball projectile (when a suspect is not struck by a Pepperball projectile) if it causes only discomfort and does not involve injury or lasting pain.
- **CATEGORY ONE FORCE INCIDENTS ARE HANDLED BY THE UNIT**

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT FORCE INVESTIGATIONS

3-10/100.00 FORCE CATEGORIES

Category Two: Force involves any of the following:

- Any identifiable injury;
 - A complaint of pain that a medical evaluation determines is attributable to an identifiable injury; and
 - Any application of force other than those defined in Category 1 Force, but does not rise to the level of Category 3 Force.
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- CATEGORY TWO FORCE INCIDENTS ARE HANDLED BY THE UNIT

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT FORCE INVESTIGATIONS

3-10/100.00 FORCE CATEGORIES

Category Three: Force involves any of the following:

- All shootings in which a shot was intentionally fired at a person by a Department member;
- Any type of shooting by a Department member which results in a person being hit,
- Force resulting in admittance to a hospital;
- Any death following a use of force by any Department member;
- All head strikes with impact weapons;
- Kick(s), delivered from a standing position, to an individual's head with a shod foot while the individual is lying on the ground/floor;
- Knee strike(s) to an individual's head deliberately or recklessly causing their head to strike the ground, floor, or other hard, fixed object;
- Deliberately or recklessly striking an individual's head against a hard, fixed object,
- Skeletal fractures, with the exception of minor fractures of the nose, fingers or toes, caused by any Department member;
- All canine bites; or Any force which results in a response from the IAB Force/Shooting Response Team
- **ALL CATEGORY THREE FORCE INCIDENTS ARE INVESTIGATED BY INTERNAL AFFAIRS BUREAU (IAB)**

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT FORCE INVESTIGATIONS

3-10/110.00 USE OF FORCE REVIEW PROCEDURES

- **Category One and Two** force incidents are reviewed by the individual Units and forwarded to the respective Divisions for final approval.
- **Category Three** force incidents are presented to the Executive Force Review Committee by the assigned IAB investigator, MPP 3-10/130.00.
- In cases of apparent misconduct, or it appears that a Department member failed to make proper notifications of the incident, the Unit Commander shall decide if an administrative or criminal investigation is warranted by IAB or Internal Criminal Investigations Bureau (ICIB).

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT FORCE INVESTIGATIONS

ICIB INVESTIGATION:

- Force incidents involving potential criminal misconduct by Department members are investigated by ICIB.
- Upon completion of the criminal investigation, the case is submitted to the Los Angeles County District Attorney's, Justice System Integrity Division (JSID).
- JSID reviews the circumstances of the case and makes a determination whether to file criminal charges or reject the case.
- If criminal charges are filed, IAB monitors the case. Once the criminal case has concluded, an administrative investigation is initiated by the affected Division Chief and conducted by IAB.
- If criminal charges are not filed, an administrative investigation is initiated by the affected Division Chief and conducted by IAB.

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT FORCE INVESTIGATIONS

IAB INVESTIGATION:

- Force incidents involving potential policy violations by Department members are investigated by IAB.
- An administrative investigation is conducted and submitted to the affected Unit or Division.
- Any discipline imposed is based upon the severity and evidence supporting the alleged violations.
- Discipline ranging from written reprimand to 15 days suspension is decided by the Unit Commander.
- Discipline from 16 days suspension to discharge, including demotion, is decided by the Division Chief.
- Discipline proposed by a Division Chief must be presented to the Executive Case Review Committee, consisting of the Undersheriff and two Assistant Sheriffs.

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

Questions?